BORA LASKIN LAW LIBRARY
3 1761 06081908 3

UNIVERSITY OF TORONTO
FACULTY OF LAW

ABORIGINAL PEOPLES AND CANADIAN LAW

LAW 370H1S

WINTER TERM, 2012

VOLUME ONE

Kerry Wilkins

KE
7708.5
.W557
2012
v.1
c.1

BORA LASKIN LAW LIBRARY

JAN - 2 2012

FACULTY OF LAW
UNIVERSITY OF TORONTO

ABORIGINAL PEOPLES AND CANADIAN LAW

LAW 370H1S

WINTER TERM, 2012

VOLUME ONE

Kerry Wilkins

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/aboriginalpeople01wilk_2

ABORIGINAL PEOPLES AND CANADIAN LAW
LAW 370H1S
TABLE OF CONTENTS, 2010-11
VOLUME 1

PAGE	
1	Leroy Little Bear, "Aboriginal Paradigms: Implications for Relationships to Land and Treaty Making" in Kerry Wilkins, ed., Advancing Aboriginal Claims: Visions; Strategies; Directions (Saskatoon: Purich Publishing, 2004) 26-38
8	John Borrows, "With or Without You: First Nations Law (in Canada)" (1996) 41 McGill L.J. 629, 646-665 (notes omitted)
15	Murray Sinclair, "Aboriginal Peoples, Justice and the Law" in Richard Gosse, James Youngblood Henderson & Roger Carter, eds., Continuing Poundmaker and Riel's Quest (Saskatoon: Purich Publishing, 1994) 173-184 (excerpts)
20	Articles Between Colonel Cartwright and the New York Indians, 24 September 1664 ("Treaty of Albany"), in E.B. O'Callaghan, ed., Documents Relative to the Colonial History of the State of New York (Albany: Weed, Parsons, 1853-61), vol. 3 at 67-68
21	Darlene M. Johnston, "The Quest of the Six Nations Confederacy for Self-Determination" (1986) 44 U.T.Fac. L. Rev. 1
38	*Worcester v. Georgia*, 31 U.S. (6 Peters) 515 (1832) [excerpts]
43	Menno Boldt & J. Anthony Long, "Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indians" in Menno Boldt & J. Anthony Long, eds., The Quest for Justice: Aboriginal Peoples and Aboriginal Rights (Toronto: U of T Press, 1985) 333-346
51	Patrick Macklem, "Distributing Sovereignty: Indian Nations and Equality of Peoples" (1993) 45 Stanford L. Rev. 1311 [excerpt]
53	*Cook v. Sprigg*, [1899] A.C. 572 (P.C.), 577-579
55	*Coe v. Commonwealth of Australia* (1979), 24 A.L.R. 118 (H.C.A.) [excerpts]
56	*R. v. David*, [2000] O.J. No. 561 (QL) (SCJ) [excerpt]
60	*Duff Development Co. v. Government of Kelantan*, [1924] A.C. 797 (H.L.), 805-809, 813-815, 830-831
64	*Reference re Secession of Quebec*, [1998] 2 S.C.R. 217 [excerpts]
70	United Nations Declaration on the Rights of Indigenous Peoples, General Assembly Resolution 61/295 (13 September 2007)
78	Canada, Report of the Royal Commission on Aboriginal Peoples, vol. 2 (Ottawa: Minister of Supply and Services, 1996), 169-184
86	*Sandra Lovelace v. Canada*, Communication No. R.6/24 (29 December 1977), U.N. Doc. Supp. No. 40 (A/36/40) at 166 (1981) (UN Human Rights Commission), ¶¶1, 5-6, 9.6, 9.9-19

PAGE
91 *(Louis) Francis v. Canada*, [1956] S.C.R. 618, 619-620, 620-621, 622-623, 625-627, 629-630, 631
94 *Baker v. Minister of Citizenship & Immigration*, [1999] 2 S.C.R. 817 [excerpts]
96 *(Grand Chief Mike) Mitchell v. Minister of National Revenue*, [1997] 4 C.N.L.R. 103 (F.C.T.D.) [excerpts]
100 "Custom and Usage," Halsbury's Laws of Canada (4th ed.), v. 12, ¶¶401-402, 406-428 (annotations omitted)
106 *Casimel v. I.C.B.C.* (1993), 106 D.L.R. (4th) 720 (B.C.C.A.), 722-723, 728-731
109 Mark Walters, "British Imperial Constitutional Law and Aboriginal Rights: A Comment on Delgamuukw v. British Columbia" (1992) 17 Queen's L.J. 350 [excerpts]
120 *Amodu Tijani v. Secretary, Southern Nigeria*, [1921] 2 A.C. 399 (P.C.) [excerpts]
123 *Mabo v. Queensland (No. 2)* (1992), 175 C.L.R. 1 (H.C. Australia) [excerpts]
131 *(Grand Chief Mike) Mitchell v. Minister of National Revenue*, [2001] 1 S.C.R. 911, 2001 SCC 33 [excerpts]
139 Royal Proclamation, October 7, 1763, R.S.C. 1985, Appendix 2, No. 1 [excerpts]
141 *R. v. Côté*, [1996] 3 S.C.R. 139, ¶¶42-54
145 James [sákéj] Youngblood Henderson, "Empowering Treaty Federalism" (1994) 58 Sask. L. Rev. 241 [excerpts; most notes omitted]
153 *Quebec (A.G.) v. Lacombe*, 2010 SCC 38, [2010] 2 S.C.R. 453 [excerpts]
156 *Four B Manufacturing Ltd. v. United Garment Workers of America*, [1980] 1 S.C.R. 1031 [excerpts]
158 *St. Catherine's Milling & Lumber Co. v. The Queen* (1889), 14 App. Cas. 46 (P.C.), 51-61
163 *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010 [excerpts]
167 *Derrickson v. Derrickson*, [1986] 1 S.C.R. 285 [excerpts]
174 *Ontario Mining Company v. Seybold*, [1903] A.C. 73 (P.C.) [excerpts]
176 *Dominion of Canada v. Province of Ontario*, [1910] A.C. 637 (P.C.), 643-647
178 *The Indian Lands Act, 1924*, S.O. 1924, c. 15
180 *Constitution Act, 1930*, 20-21 Geo. V., c. 26 (U.K.), s. 1; Saskatchewan Natural Resources Agreement (March 20, 1930), ss. 1, 10-12
182 *Canard v. Canada (A.G.)*, [1976] 1 S.C.R. 170 [excerpts]
183 *Natural Parents v. B.C. (Superintendent of Child Welfare)*, [1976] 2 S.C.R. 751 [excerpts]
186 *NIL/TU,O Child and Family Services Society v. B.C. Government and Service Employees' Union*, 2010 SCC 45, [2010] 2 S.C.R. 696 [excerpts]

PAGE
189 *R. v. Morris*, [2006] 2 S.C.R. 915 [excerpts]
195 *Reference re British North America Act, 1867 (U.K.), s. 91 (Re Eskimos)*, [1939] S.C.R. 104 [excerpts]
199 *R. v. Blais*, [2003] 2 S.C.R. 236 [excerpts]
206 Canada. Report of the Royal Commission on Aboriginal Peoples (1996), vol. 4, 24-37-41
213 *Cardinal v. Alberta (A.G.)*, [1974 S.C.R. 695 [excerpt]
214 *R. v. Sutherland*, [1980] 2 S.C.R. 451 [excerpts]
216 *Kitkatla Band v. B.C. (Minister of Small Business, Tourism and Culture)*, [2002] 2 S.C.R. 146 [excerpts]
221I *Quebec (A.G.) v. Canadian Owners and Pilots Association*, 2010 SCC 39, [2010] 2 S.C.R. 536 [excerpts]
226 *R. v. Francis*, [1988] 1 S.C.R. 1025
228 *Mitchell v. Peguis Indian Band*, [1990] 2 S.C.R. 85 [excerpts]
232 *R. v. (Arthur) Dick*, [1985] 2 S.C.R. 309 [excerpts]
237 *Guerin v. Canada*, [1984] 2 S.C.R. 335 [excerpts]
243 *Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development)*, [1995] 4 S.C.R. 344 [excerpts]
252 *Osoyoos Indian Band v. Oliver (Town)*, [2001] 3 S.C.R. 746 [excerpts]
255 *Wewaykum Indian Band v. Canada*, [2002] 4 S.C.R. 245 [excerpts]
260 *Ermineskin Indian Band and Nation v. Canada*, [2009] 1 S.C.R. 222, 2009 SCC 9 [excerpts]
266 *Bear Island Foundation v. Ontario*, [2000] 2 C.N.L.R. 13 (Ont. C.A.), 23-24